

# City Council Minutes

**September 8, 2003**

The Council of the City of Milton-Freewater met in regular session on Monday, September 8, 2003 at 7:00 p.m. in the council chambers of City Hall.

The following members were present: Mayor Key, Councilors Saager, Humbert, Woods and Kelley. Staff members present were City Manager Delphine Palmer, Assistant City Manager Linda Hall, Public Works Superintendent Howard Moss, Police Chief Mike Gallaher and Fire Chief Sam Hubbard. Citizens present were John McFarland, Trudi Elliott, Randy Shepherd, Butch Monk, Kim Monk and Damon Long. Councilors Lyon and Records were out of town.

Members of the press present were Jeff Durham of the Blue Mountain Pioneer and Susan Brooks of the East Oregonian.

PROCLAMATION delivered by Mayor Key proclaimed the month of October to be Domestic Violence Awareness month.

CONSENT CALENDAR ITEMS: Items on the consent calendar include minutes from the August 25, 2003 meeting. Councilor Kelley moved to adopt the Consent Calendar and Councilor Humbert seconded the motion which passed unanimously.

Mayor Key announced this was the opportunity for citizens to approach the council with items not on the agenda.

Randy Shepherd passed to council members a formal appeal of the Planning Commission's decision to approve a conditional use permit allowing the construction of a bulk propane storage facility by PGG at 116 NE 1<sup>st</sup> Avenue.

## **NEW BUSINESS**

Weed Objection Public Hearing for Scott Narum.

Mayor Key opened the hearing and summarized the rules for Public Hearing.

No ex parte contact was declared.

Mayor Key asked if notice of the hearing had been published according to law. Assistant City Manager Linda Hall stated that this had been done. Mayor Key then asked if there had been any written comments. Ms. Hall replied that none other than the information already submitted to council.

Assistant City Manager Linda Hall gave her staff report stating this would be the final process within the weed abatement city code procedures which overall takes from six (6) to eight (8) months from start to finish, beginning with the city-wide canvassing by Public Work crews to establish weed, debris or nuisance type violations in the spring and again in the fall. Then certified, return-receipt letters are sent out to registered property owners; registered property owner records are obtained through Umatilla County and it has been noted that when properties change ownership, there can be a delay with recorded records at the county level. Some issues have already been resolved due to this delay in recording, but this is not the case with the two issues before council this evening. The present issue we are currently discussing is of Scott Narum and the appeal was actually sent in in the name of Heidi LeFore for the address at 209 Cherry and our records show Ms. LeFore has been a resident of this address since May of 2002, so it has not been recent since the property changed hands. The actual objection deals with Ms. LeFore's responsibility and not the cost. Ms. LeFore stated she was not aware she was responsible for the alley weeds. She has since spoken with Ken Weis and is aware of her responsibility and she has asked that this be taken under consideration.

Mayor Key asked for the appellant to come forward if in attendance. Ms. Lefore nor Mr. Narum were in attendance.

Mayor Key asked if council had any questions. There were none.

Mayor Key declared the hearing closed.

Councilor Humbert moved to deny the appeal due to lack of participation on the part of the appellant. Councilor Kelley seconded the motion stating that Ms. LeFore was aware of her responsibility before Public Work crews performed the labor. Ms. LeFore also did not come to council after the original letter went out and the issue escalated to a point where the issue cost the city, therefore Ms. Kelley stated she was in favor of denying the appeal. The motion passed unanimously.

#### Weed Objection Public Hearing for Trudi Elliott.

Mayor Key opened the hearing and summarized the rules for Public Hearing.

No ex parte contact was declared.

Mayor Key asked if notice of the hearing had been published according to law. Assistant City Manager Linda Hall stated that this had been done. Mayor Key then asked if there had been any written comments. Ms. Hall replied that none other than the information already submitted to council.

Assistant City Manager Linda Hall gave her staff report stating this was similar to the previous appeal; however, this objection by Ms. Elliott states she will not pay charges because nothing has been done at her home. Ms. Elliott further stated there was no weed abatement and that she was never notified that anything would be done either. Our records show a detailed work order on each of the jobs that lists the specific number of employees that responded to the cleanup,

number of minutes on the specific job and any equipment that was used at the specific address. Ms. Hall feels confident that the work was done, and as far as the notice not received, the post office documented that three delivery attempts were made, but all were unclaimed for the certified letter.

Mayor Key invited the appellant to speak. Trudi Elliott, 109 DeHaven Street, stated that basically she had never received a letter from anyone and when she called and spoke with Ruth Ann (Corrow), Accounts Receivable, she said she couldn't give any recollection of anything that had been done, that Howard Moss, Public Works Superintendent, had signed off on a job, but had not stated what had been done. Ms. Corrow also said the letter had been returned to the city by the post office. Ms. Elliott further stated that she was not notified that anything would be done and you cannot tell by looking at her property that anything has been done, and therefore did not know why she should be paying anything. Assistant City Manager Linda Hall asked Ms. Elliott if she had received any notice from the post office about having a certified letter. Ms. Elliott said she did receive a notice from the post office, one notice, and she stated she works the same hours as the post office and was unable to go back, and quite honestly, she said, she forgot to go back to the post office. Ms. Hall stated that the post office had documented that notice had been delivered to Ms. Elliott on May 23<sup>rd</sup>, May 28<sup>th</sup> and June 6<sup>th</sup>. Ms. Elliott said she only got one notice.

Mayor Key asked if council had any questions. Councilor Woods asked if it were Ms. Elliott's contention that there was absolutely not any cleanup work done on her property. Ms. Elliott said that there was none that she could see, that until she had received a statement for \$120.00 she was unaware that anything had been done. Ms. Elliott further said the letter didn't say what had been done, so she was unaware of what she was supposed to be looking for. Councilor Woods asked Ms. Elliott if she was aware of the city's weed abatement program. Ms. Elliott said that after she received the statement charging her for \$120.00 she became aware of the program. Councilor Woods asked if Ms. Elliott knew the reasoning behind the weed abatement program and Ms. Elliott said she did not. Councilor Woods proceeded to explain the program to Ms. Elliott. Ms. Hall stated that the first letter sent to Ms. Elliott which was unclaimed, explains the program and says what Councilor Woods just said. Councilor Humbert asked Ms. Elliott if she had since picked up the certified letters. Ms. Elliott said no, that when she spoke with someone after receiving the notice of owing money, she (Ruth Ann Corrow) said the letter had been returned to the city. Ms. Elliott said that she (Ruth Ann Corrow) did not give her the option of picking up the letter, nor did she indicate she was going to re-send the letter. She (Ruth Ann Corrow) told her to fill out the objection and Ms. Elliott called Howard Moss, Public Works Superintendent, and left a voice mail message. Ms. Elliott said Mr. Moss has never returned her call. Councilor Humbert asked Ms. Elliott if she would be willing to go to city hall and pick up a copy of the weed abatement program. Ms. Elliott said sure, but that city hall closed at 4:00 p.m., but Ms. Hall said that yes, we close at 4:00 p.m., but we are open at 7:00 a.m. Ms. Hall said she could mail the information if Ms. Elliott was unable to come to city hall, but that she would not mail it certified. Ms. Hall introduced Howard Moss and said he should have a copy of the work order. Mr. Moss said he did have copies of work orders, and further said he had delegated Ms. Elliott's voice mail message to another employee and had thought the phone call was returned. Mr. Moss further explained briefly the work that was done on Ms. Elliott's property and said he would do a specific follow-up at her request. Ms. Elliott, directing her comments to Mr. Moss,

said his crew did work on her property knowing she had not been notified. City Manager Delphine Palmer stated that to clarify the comments made, Ms. Elliott was notified, but chose not to deal with the post office directly to obtain her certified letter. Ms. Palmer further said that arrangements can be made through the post office to get mail early if needed, but again, Ms. Elliott did receive notification of the certified letter. Councilor Woods asked if Ms. Elliott knew her responsibilities now and Ms. Elliott said she knew she was responsible for weeds, but was unsure where exactly and was not aware of the alley responsibility, but would get this information.

Councilor Saager stated that since Ms. Elliott was notified three (3) times in a period of two (2) months, and that a certified letter has to be meaningful to people, recommended that the motion be denied. Councilor Kelley seconded the motion. Motion passed with Councilor's Saager and Kelley voting yeah, Councilor Woods voting nay, and Councilor Humbert abstaining, stating he was unable to come to a decision.

Fees Schedule for Mobile Vendors License and Parks Vendor. Assistant City Manager Linda Hall stated that the city had received a request to consider an exemption to our current user fees resolution. This request was made by the Chamber of Commerce Executive Director, Jon McFarland, and the fee exemption he is requesting is for all Muddy Frogwater and Cinco de Mayo vendors. For the Muddy Frogwater vendors, Mr. McFarland is requesting exemption from the \$20.00 stall space for our parks and the \$15.00 annual mobile vendors license. For the Cinco de Mayo, only the \$15.00 mobile vendors license exemption. Only the \$15.00 mobile vendors license would apply at the Cinco de Mayo festival as it is held on school property. Staff's recommendation, in the interest of being fair and consistent, is not to exempt one single group from these fees.

City Manager Delphine Palmer said that there are a lot of city expenses that are incurred while doing these types of things. City police are sometimes working overtime, public work crews take care of the park along with the excess garbage, and Ms. Palmer wanted council and citizens to know that these fees were not for the city to make any kind of profit, but that the city's only objective is to recover costs incurred.

Jon McFarland, Executive Director Chamber of Commerce, 505 Ward Street, stated that information of fee changes with regard to parks or mobile vendors has been a topic of discussion for some time. During this year's Muddy Frogwater, a group of vendors asked to have charges reduced because new vendors were needed. This is not to say that vendor charges are excessive because compared to surrounding communities, our fees are minimal. Mr. McFarland asked for a thirty (30) day delay on this decision so as to prepare a presentation to the council as well as the management's office as to the types of people we are working with. There are five different kinds of vendors the Chamber deals with.

Councilor Saager clarified that Mr. McFarland was asking council to table this discussion and any decisions for thirty (30) days. Mr. McFarland concurred. Ms. Hall said that neither City Manager Delphine Palmer nor she had any objection to the request.

Ms. Hall wanted to note that the Fee Resolution was passed in June of 2003 and, out of courtesy because the Chamber sends out forms as early as January for these events, staff did ask council for the one-time exemption for the 2003 Muddy Frogwater.

Council consented to table the Mobile Vendor license fee discussion for six (6) weeks.

## **MANAGER'S REPORT**

City Manager Delphine Palmer stated that the gangs were alive and well in our city, and that they have devised a new way to make their presence known by writing on our public facilities with human feces, and this is happening quite often. Gang signs are written on the walls as well as filling the toilets to the top with human feces. There is already more than enough work for our park personnel to do at, and this is an added job, and one of our employees became quite sick while trying to get this horrible job done. We patrol a lot, but we are unable to patrol just one street or one park. We have been brainstorming for ideas to handle this, and unfortunately a group like this spoils it for everyone else. We think we may have to lock the rooms in the evening, but this means someone will have to go out in the evening and lock the rooms up and also go out first thing in the morning and unlock them. Another problem, this is seriously eating into the budget because it takes several hours to clean these rooms, and again, this is in addition to their regular park duties.

Ms. Palmer said that when the library was being built, we discussed how exciting it would be to have a latte' and espresso stand at the library, and it would be state-of-the-art to have this in the building where people could get their drink and go into the library and read books or magazines. When the latte' and espresso stand was advertised for, the people we talked to about setting up the stand came with the understanding that they would be able to sell to the patrons of the library. Unfortunately, the library board just changed their mind and decided after all, that they did not want anybody going into the library with any drinks. Ms. Palmer asked if there had been any accidents thus far and their response was no, that they just decided to do this now. Ms. Palmer feels bad because the person that came in and set up the latte' stand spent over \$8,000.00 in equipment with the understanding they were going to be able to sell to the library patrons. Ms. Palmer said she spoke to Bob Jones, Library Director, and said that the library board does not set policy. This decision by the board is just a recommendation and Ms. Palmer would like the recommendation to be changed so that patrons can go into the library with their drinks as long as they have a cover on their cups and are not working in the computer area. Ms. Palmer spoke with Mr. Jones saying that the vendors would not have invested in the stand if they could not deal with library patrons. Ms. Palmer said she would like to bring this to the council with a revised recommendation to allow covered drinks and Ms. Palmer would like to honor what was first said and what the library has said for some time, that patrons can have drinks in the library as long as they are covered. If Barnes and Noble can do it with brand new books, we can surely do this, and at the same time help support the people who have invested in the business within the walls of the library.

Councilor Saager asked if this decision wasn't in the realm of City Manager. Ms. Palmer said she had researched this and it seems it is both, the manager and city council, but Ms. Palmer said to be on the safe side, she would like this to come to council as council would set policy, where

the city manager could not. Councilor Humbert asked if there could be tables and chairs set up around the latte' stand. Ms. Palmer said there already were. Councilor Humbert then asked why patrons couldn't have their drinks there. Ms. Palmer said the whole idea, again, was that we advertised it, we talked about, the library plans were such that patrons would be allowed to have their covered drinks in the library while studying, reading or just relaxing. Mayor Key said that according to the city charter, the library board is just an advisory board to council. Councilor Saager then said that what Ms. Palmer wanted was council's blessing to change the library board's recommendation.

Councilor Saager moved to give Ms. Palmer authority to change the library board's recommendation from disapproval to have covered drinks in the library, to approval to have covered drinks in the library. Councilor Humbert seconded the motion. Council consented. Ms. Palmer thanked them for their support.

Damon Long, 225 Thorn, suggested to council by saying that signs might be posted at the latte' stand and the door of the library that if property is damaged or destroyed, individual patrons may be responsible.

Ms. Palmer said the Aquatic Center had a fantastic year. Mr. Moss submitted all the statistics and after reviewing the revenues, the center had the best year ever within the last eight years.

Ms. Palmer got a letter from the Umatilla County Emergency Management Division and they are conducting a county and statewide Homeland Security assessment along with the Dept of Justice and Dept of Homeland Security. To be eligible for some of the federal funding, we have to complete the survey. We will probably do this during this week. Police Chief Mike Gallaher and Fire Chief Sam Hubbard will soon be presenting our Homeland Security plan to the department heads and then we will make sure each department prepared for emergencies, and after the departments are comfortable with their responsibilities, then we will have all departments present our plan to the council. Ms. Palmer said that both Chief Gallaher and Chief Hubbard have been working very hard to sort out all the information that comes from many places, and feels they are both doing a very fine job.

Ms. Palmer talked about changing the council chambers to the Bill Albee room at the new library. Ms. Palmer said she had spoken with Howard Moss, Public Works Superintendent, about moving the sound system from the existing chamber and setting up temporary tables this year, but perhaps budgeting for a better table next year with a podium. Ms. Palmer said she would like to get started with some plans to make the change in the Albee Room as soon as possible. Ms. Palmer said that in addition to having council meetings there, the city could also have their library board, planning commission, budget and recreation meetings there as well. Councilor Humbert said this had been discussed previously and council needed a cost figure. Ms. Palmer said the cost was discussed at the special Friday council meeting, which Councilor Humbert was unable to attend, but the temporary cost, not including the permanent table, would be \$2,500.00 maximum. Mayor Key asked if there were a consensus amongst council members that the city pursue this. Councilor Saager said he was on the fence and Councilor Humbert said he was too, that he didn't need to be in the new building. Councilor Kelley pointed out by saying that during this particular meeting there were very few citizens participating, but on other

occasions when the agenda has been much larger, citizens have been in the hall with speakers and were unable to participate. She felt this was a community decision, not a personal one. Fire Chief Sam Hubbard concurred saying he had been to council meetings where citizens were in the hall and were unable to hear the proceedings. Ms. Palmer further said that in the summer when they had to turn on the fans, it was very noisy in the existing chambers and that the new library is completely temperature controlled. Council consented to pursue moving the council chambers to the Albee Room in the new library.

## **COUNCIL ANNOUNCEMENTS**

Councilor Saager said that an article in the East Oregonian paper last week (Friday he thought) said that council approved the propane tank at PGG. Councilor Saager wanted to clarify this article saying that council has had nothing to do with this issue to date.

Councilor Kelley, referring to the human feces vandalism, said that the city had some problems previously, but not as severe. This is when the city developed neighborhood watch groups and one of the first groups was by Freewater Park because there was a gathering of younger people that were creating havoc. Former Councilor Dennis Widmer headed up this project where citizens walked along the park area for a number of months and the problem subsided. Councilor Kelley said that, perhaps through grants, citizens had vests and carried cell phones. She further said we may want to start up watch groups again as Councilor Kelley said she does not want to lock up the places because a few people are not behaving themselves; that she does not want to give up those privileges when some can't control their children. Councilor Kelley said she would be glad to walk on programs like this, to let them (those vandalizing) know we are not giving up our town to them or to anybody else over acts like this. Ms. Palmer said that this was a great program and that Police Chief Mike Gallaher was already working on a program with volunteers. Ms. Palmer further said that Chief Gallaher would be presenting this program to the council at a later date; that he started training volunteers, the volunteers have a really nice workbook and they will also get some nice T-shirts. Chief Gallaher said he would like to have more volunteer; that to date, Chief only has six (6) that have signed up and shown interest. Councilor Kelley asked if there had been advertising done and Chief Gallaher said an article has been published twice. Councilor Kelley said that perhaps this could be discussed at civic groups and Mayor Key thought something might be sent out in the utility bills. Chief Gallaher said his hope was that the volunteer program would aid in promoting the neighborhood watch program. Councilor Woods asked if there was some kind of alternate security system such as cameras mounted high or infrared systems, and that perhaps the city could acquire a grant to offset the cost. Chief Gallaher said there was a system he had read about, but was extremely expensive. Councilor Saager asked if the vandalism was happening more at one location and Ms. Palmer said it was happening at Freewater Park. Councilor Saager said this was the area then that needed the neighborhood watch. Councilor Humbert asked Mr. Moss if there was a pattern to the activities. Mr. Moss said that, as with graffiti, this vandalism came in spurts of activity where it eventually subsides, but then may return later. Mr. Moss further said that the restrooms are checked seven days weekly, and that if a restroom is entered by 8:30 a.m. or 9:00 a.m. the restroom is clean and Mr. Moss said he was very proud of that, but, as Ms. Palmer pointed out, it is very expensive to get this done on a daily basis.

Freewater Park has been converted from porcelain fixtures to stainless steel fixtures and a screen barrier has been taken out as well to aid in cleaning and vandalism control.

There being no further Council business, the meeting was adjourned at 7:55 p.m.

Lewis Key, Mayor